

①

Q.1.A

Fill in the blanks (any 8)

[8]

1. void
2. necessities
3. relationship
4. Mistake
5. Fraud
6. valid
7. Property
8. ascertained
9. movable
10. due

Q.1.B

State whether following statements are True or false (any 7)

[7]

1. False
2. False
3. True
4. True
5. True
6. True
7. False
8. False
9. False
10. True

Q.2 What is Contract? State the essentials of Contract.

A.

Contract - definition.

Essentials:- offer, Acceptance, legal relationship, Capacity, Free consent, object lawful, consideration, Not void, Capable of performance, Legal formalities.

Q.2. state the classification of contract (2)
A. classification as per execution, enforceability & creation. with illustration or example.

Q.3. what are void agreements?

A. Defⁿ. of void agreements

Void agreements

- with incompetent person (s.11)
- mutual mistake of fact (s.23)
- without consideration (s.25)
- restraint of marriage (s.26)
- restraint of trade (s.27)
- restraint of legal proceedings (s.28)
- wagering agreements (s.30)
- Impossible agreements s.
- Contingent. (s.36)
- to do legal as well as illegal things (s.56)
- meaning uncertain. (s.29).
- object unlawful (s.20)

Q.3. what is free consent?

A. Defn.

Explain all the elements.

- Coercion
- Fraud
- Undue influence
- Mistake
- Misrepresentation.

Q. 4. (3) What are the kinds of agents?

- A.
- Intro to contract of agency.
 - Agent → defⁿ.
 - General agent, special agent, substituted agent, substituted agent, co-agent
 - Merchandise agent (all 7 types).

Q. 4. State the duties & rights of agents.

A.

Duties of agents

- work according to Principal's instruction
- follow custom
- work with reasonable care, skill & diligence
- render proper account
- Communicate to Principal.
- Not to deal on his own account.
- Duty to pay sums recd.
- to protect & preserve the interests of principal.
- maintain proper account
- Not to use information obtained in the course of agency against the principal
- Not to set up adverse title
- Not to delegate

Rights of agent

- enforce principal's duty
- retainer
- remuneration
- lien

- indemnification
- compensation.

(5)

Q. What are the rights of unpaid seller.

A. - Right against goods.

rights of lien

- termination of lien.

- Right of stoppage of goods in transit.

- Right of resale.

- other remedies.

- Right against the buyer

- Suit for price.

- Suit for damages.

- Suit for interest

Q. What is condition? Explain implied condition?

A. Definition of condition.

Implied condition

- title.

- description

- Sample

- Sample & description.

- quality or fitness

- merchantable.

- wholesomeness

- trade usage.

(52)
Q5. a) State the essentials of negotiable instrument ?

A :- Defⁿ. of negotiable instrument

- Essentials.
- writing
- money
- Unconditional Promise/order
- Freely transferable
- Property
- Presumptions.
- Essentials of contract.

b): Characteristics of Promissory Note.

A :- In writing

- Express promise to pay
- Definite and unconditional promise
- Promise to pay money only.
- Promise to pay certain sum
- Parties certain
- Signed by the maker
- Bear stamp.
- Formalities.
- Intention of delivery
- Requisites of contract

